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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,977	07/11/2003	Rolf Espe	912.001	4056
23598	7590	04/29/2005	EXAMINER	
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202				PIERCE, JEREMY R
ART UNIT		PAPER NUMBER		
		1771		

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/617,977	ESPE, ROLF
	<b>Examiner</b>	<b>Art Unit</b>
	Jeremy R. Pierce	1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/16/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "a fabric whose warp and/or weft have alternating types of thread having differing elasticities transverse to the thread axis." The specification indicates that "alternating" is understood to mean a sequence of repeating types of threads (page 3, line 20 et seq.). However, it is unclear what the sequence would be if the "warp and weft" of the fabric had alternating types of threads. Does this mean that the warp can comprise type A threads and the weft can comprise type B threads, and that such threads would alternate? Can the threads of the warp alternate with the threads of the weft? If read in this manner, a fabric possessing one type of thread in the warp direction and another type of thread in the weft direction would meet the claim limitation. Or must the warp have one set of alternate threads and the weft have a different set of alternate threads all to itself? The current claim language is indefinite.

Claim 1 recites "these types of thread have material with high temperature stability." The phrase "high temperature stability" is relative. What temperature must the material have stability at in order to qualify under the claimed limitation?

Claim 19 recites "at least one core is essentially made of polyamide." However, claim 18, from which claim 19 depends, recites "a core that is essentially made of metal." Polyamide is not a metal.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-13, 15-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Espe (U.S. Patent Application Publication No. 2001/0029139).

Espe discloses a press pad comprising warp and weft threads wherein at least some of the threads include an elastomer material (Abstract). In one embodiment, the weft threads may comprise a core of twisted copper wires that are sheathed with the elastomer coating (paragraph 41). The warp yarns would comprise multi-strand threads of brass or copper (paragraph 42). Thus, the warp yarns would have a different elasticity than the weft and could be considering alternating with the weft yarns. With regard to claim 2, polymer may be present on both warp and weft (paragraph 41). With regard to claims 9 and 11, Espe discloses that only a portion of the warp and/or weft threads need to include the elastomer (paragraph 28). Therefore, the warp threads may have differing elasticities and additionally, the weft threads may have differing elasticities.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espe in view of Douglas et al. (U.S. Patent No. 5,855,733).

Espe does not disclose the core material to be polyamide. Douglas et al. disclose that aromatic polyamide is a useful non-metallic substitute for metal fibers in press pads (column 4, lines 41-46). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use polyamide in the press pad of Espe, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,737,370 to Espe.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (571)

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272-1479. The examiner can normally be reached on Monday-Friday between 9am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRP  
April 20, 2005

*Eliza Cole*  
ELIZA COLE  
PRINCIPAL EXAMINER